

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Joint Committee on  
Finance (JC-Fi)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR\_RCP\_pt01a
- 05hrAC-EdR\_RCP\_pt01b
- 05hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

➤ \*\*

➤ Committee Hearings ... CH

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Hearing Records ... HR

➤ \*\*

➤ Miscellaneous ... Misc

➤ 97hrJC-Fi\_Misc\_pt44\_LFB

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

# Circuit Courts

(LFB Budget Summary Document: Page 101)

## LFB Summary Item for Which an Issue Paper Has Been Prepared

Item #

Title

3

Circuit Court Interpreters (Paper #225)

To: Joint Committee on Finance

From: Bob Lang, Director  
Legislative Fiscal Bureau

## **ISSUE**

### **Circuit Court Interpreters (Circuit Courts)**

[LFB Summary: Page 101, #3]

## **CURRENT LAW**

Persons who are charged with criminal offenses or are subject to protective services or mental health proceedings, or persons who are witnesses to such proceedings, are entitled to a qualified interpreter under certain conditions. An interpreter is required if the court determines that the person is unable to speak or understand English or that the person has a hearing or speech impairment sufficient to prevent the person from: (1) communicating with his or her attorney; (2) reasonably understanding English testimony; or (3) being understood in English. If the court determines that a person cannot afford an interpreter, one is provided at the public's expense. Funding is provided in a separate sum certain, annual appropriation with a base level of \$134,100.

## **GOVERNOR**

Modify the appropriation for interpreter reimbursement from a sum certain appropriation to a sum sufficient appropriation.

## **DISCUSSION POINTS**

1. By statute, in circuit court proceedings, the expense of furnishing interpreters for indigent persons is paid by the Director of State Courts. The statutory fee for interpreters is \$35 per half day of in-court interpreter services. In practice, counties pay directly for the services

and the Director of State Courts Office reimburses them from a Circuit Court sum certain, annual appropriation. The appropriation may only be used to fund these interpreter fees.

2. Over the last four years, interpreter reimbursement costs have increased by an average of 18% annually. Because this level of increase has not been expected, the appropriation has frequently been underbudgeted. As a result, the Director of State Courts Office has had to submit requests to the Joint Committee on Finance, under s. 13.10, for additional funding authority. Five funding supplements for interpreter reimbursements have been provided by the Committee since June, 1990.

3. In their 1997-99 budget request, the Courts requested that the appropriation be changed to a sum sufficient appropriation. The Courts argue that the law requires counties to be fully reimbursed for these expenditures, and that the Office has no control over the use of interpreters, which is ordered by judges. Therefore, the sum certain appropriation leads to unnecessary workload for the Courts, and delays payments to counties.

4. Interpreters used in Supreme Court or Court of Appeals proceedings are paid from the Courts' respective sum sufficient operating appropriations, as necessary expenses to carry out the Courts' functions. However, the Circuit Court sum sufficient appropriation allows only for "salaries and expenses of the judges, reporters and assistant reporters of the circuit courts."

5. In considering s.13.10 requests for supplemental funding for circuit court interpreter costs, the Committee has limited options. There are no other Court appropriations which can be reduced to offset a deficit in the court interpreter appropriation since the Circuit Court operations appropriation is a sum sufficient appropriation. In addition, statutes require full reimbursement to counties at the current reimbursement rate of \$35 per half day.

6. It could be argued that since state statutes require the state to fully reimburse counties for interpreter expenses at the statutory level and that the appropriation can only be used for that purpose, a sum sufficient appropriation would be appropriate.

7. On the other hand, if the appropriation is converted to a sum sufficient appropriation, increases in expenditures would be addressed through annual reestimates without a formal review by the Legislature. Therefore, for oversight purposes, the Committee may wish for the appropriation to remain a sum certain appropriation.

8. It should be noted that despite historical increases in expenditure levels, the Courts did not request and the bill would not provide, any adjustment in funding levels for 1997-99. While a sum sufficient appropriation would allow expenditures regardless of the budget authority, for state budget purposes, the budget levels should be adjusted to reflect anticipated expenditures.

9. Over the last five years, bills for county interpreter reimbursement have varied widely, with rather large increases in three of those years, as shown in the table below. The table

reflects expenses based on the fiscal year in which the bills were received, as opposed to actual expenditures, because there have been years where the Courts have held bills until funding becomes available for the next fiscal year. Therefore, the table more accurately represents actual annual costs.

#### **Interpreter Expenses Based on Bills Received**

<u>Fiscal Year</u>	<u>Expenditures</u>	<u>Percent Change</u>
1991-92	\$70,700	N.A.
1992-93	75,800	7.2%
1993-94	103,100	36.0
1994-95	102,300	-0.8
1995-96	134,100	31.1
1996-97 est.	165,100	23.1

10. As shown above, costs in any particular year have varied greatly, making expenditure levels for 1997-99 difficult to estimate. Through February, \$121,400 of the \$134,100 appropriated in 1996-97 had been expended. Based on the expenditures to date, costs in 1996-97 could be expected to total \$165,100, for an increase of 23% over the prior year. If costs are averaged over the last five years, there has been an overall average increase of 19% per year. If these trends continue over the next two years, expenditures could total \$196,500 in 1997-98 and \$233,800 in 1998-99 (or increases to the bill of \$62,400 in 1997-98 and \$99,700 in 1998-99).

11. In addition, as shown above, expenditures for 1996-97 are expected to exceed the appropriated amounts by \$31,000. Typically, the Courts would request supplemental funds under s. 13.10 to fully fund the 1996-97 expenditures. However, because the budget bill would provide a sum sufficient appropriation, the Courts have indicated that any costs above what is appropriated for 1996-97 will be funded from the 1997-98 sum sufficient appropriation when that authority becomes available.

12. Therefore, under the bill, expenditures in 1997-98 would be expected to be \$93,400 above appropriated amounts (\$31,000 for 1996-97 expenditures and \$62,400 for 1997-98). If the Committee approves the sum sufficient appropriation, the budget levels should be increased to reflect the anticipated expenditure levels.

13. The Committee could, however, adjust the statutory payment level so that current funding levels would be sufficient. Under this alternative, based on expenditure estimates for 1997-99, the statutory fee for interpreters would have to be reduced from \$35 per half day to \$20 per half day, assuming an October 1, 1997, effective date.

14. However, given the difficulty in estimating interpreter expenses, another alternative would be to provide for proration of the available funding if current funds are insufficient. This would ensure that costs do not exceed budgeted levels.

15. It should be noted that counties indicate that the current \$35 payment does not cover their costs of interpreters. Therefore, any reduced payment level or proration provision would shift additional costs to counties.

16. If the Committee maintains current law with respect to the sum certain appropriation and court interpreter payments, the appropriation level under the bill should be adjusted for 1997-99 to reflect higher anticipated expenditures. If the Committee chooses not to include funding for the projected 1996-97 deficit, the Courts would likely submit a request for supplemental funding at the June, s. 13.10 meeting.

## ALTERNATIVES TO BILL

1. Approve the Governor's recommendation for a sum sufficient appropriation for interpreter reimbursements. In addition, provide \$93,400 in 1997-98 and \$99,700 in 1998-99 to reflect estimated expenditures.

<u>Alternative 1</u>	<u>GPR</u>
1997-99 FUNDING (Change to Bill)	\$193,100

2. Delete the Governor's recommendation for a sum sufficient appropriation. Provide \$62,400 in 1997-98 and \$99,700 in 1998-99 to reflect estimated expenditures from the sum certain appropriation. In addition, provide \$31,000 in 1997-98 to fund the projected 1996-97 deficit.

<u>Alternative 2</u>	<u>GPR</u>
1997-99 FUNDING (Change to Bill)	\$193,100

3. Delete the Governor's recommendation for a sum sufficient appropriation. Provide \$62,400 in 1997-98 and \$99,700 in 1998-99 to reflect estimated expenditures from the sum certain appropriation.

<u>Alternative 3</u>	<u>GPR</u>
1997-99 FUNDING (Change to Bill)	\$162,100

4. Delete the Governor's recommendation for a sum sufficient appropriation. Instead reduce the statutory payment level, effective for costs incurred after October 1, 1997, from \$35 per half day to \$20 per half day.

5. Delete the Governor's recommendation for a sum sufficient appropriation. Instead require the Courts to prorate funding, beginning in 1997-98, if expenditures exceed the authorized levels.

Prepared by: Carri Jakel

*Paper 225*  
MO# Alt. 2 with *lauch friendly amendment*  
*Replace GPR app w/ \$90,000 of the court into fee and tax*

2BURKE	<input checked="" type="radio"/>	N	A
DECKER	<input checked="" type="radio"/>	N	A
GEORGE	<input checked="" type="radio"/>	N	A
JAUCH	<input checked="" type="radio"/>	N	A
WINEKE	<input checked="" type="radio"/>	N	A
SHIBILSKI	<input checked="" type="radio"/>	N	A
COWLES	<input checked="" type="radio"/>	N	A
PANZER	<input checked="" type="radio"/>	N	A
<i>transfers \$90,000 from</i>			
1JENSEN	<input checked="" type="radio"/>	N	A
OURADA	<input checked="" type="radio"/>	N	A
HARSDORF	<input checked="" type="radio"/>	N	A
ALBERS	<input checked="" type="radio"/>	N	A
GARD	<input checked="" type="radio"/>	N	A
KAUFERT	<input checked="" type="radio"/>	N	A
LINTON	<input checked="" type="radio"/>	N	A
COGGS	<input checked="" type="radio"/>	N	A
<i>CCAP app to the circuit court interpreters app.</i>			

AYE 10 NO 6 ABS

CIRCUIT COURTS

Election of Judges in Milwaukee County

Motion:

Move to require that by the year 2000, judges in Milwaukee County be elected by districts.

MO# 440

BURKE	<u>Y</u>	N	A
DECKER	<u>Y</u>	N	A
GEORGE	<u>Y</u>	N	A
JAUCH	<u>Y</u>	N	A
WINEKE	<u>Y</u>	N	A
SHIBILSKI	<u>Y</u>	N	A
COWLES	Y	<u>N</u>	A
PANZER	Y	<u>N</u>	A
JENSEN	Y	<u>N</u>	A
OURADA	Y	<u>N</u>	A
HARSDORF	Y	<u>N</u>	A
ALBERS	Y	<u>N</u>	A
GARD	Y	<u>N</u>	A
KAUFERT	Y	<u>N</u>	A
LINTON	<u>Y</u>	N	A
<u>2</u> COGGS	<u>Y</u>	N	A

AYE 8 NO 8 ABS \_\_\_\_\_

## **CIRCUIT COURTS**

### **LFB Summary Items for Which No Issue Papers Have Been Prepared**

<u>Item #</u>	<u>Title</u>
1	Standard Budget Adjustments
2	Unspecified Budget Reduction

### **LFB Summary Item for Introduction as Separate Legislation**

<u>Item #</u>	<u>Title</u>
4	Release of Certain Confidential Records for Child Support Enforcement and Public Assistance Administration